

# **Elk Township Planning and Zoning Board Meeting**

## **Regular Business Meeting**

**December 19, 2012**

**Call to Order:** Chairman, Chuck Nicholson called the meeting to order at 7:34pm.

**Roll Call:**

**Present:** Mayor Phil Barbaro, David McCreery, Ed McKeever, Chuck Nicholson, Eugene Shoultz, Wayne Swanson, Frank Goss

**Absent:** Bill Carter, Rich Tondo, Jeanne White

Also present were the Board's professionals: Leah Furey Bruder, Planner-Bach Associates, Corey Gaskill, Engineer-Fralinger Engineering, and Joan Adams, Solicitor, Adams & Adams.

**Open Public Meeting Act:** read by the Board Secretary

**Flag Salute:** led by Chairman, Chuck Nicholson

**Announcements:**

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.
- **General Business:**
  - **Resolution:**
    - **2012-17** resolution memorializing the approval of variances pursuant to NJSA 40:55d-70(c) to permit additional accessory structures on land identified as block 33 lot 10 to accommodate the owners' horses and automobiles, to applicant, Kristen Falzarano.

*Mr. Shoultz moved to adopt resolution 2012-17, Seconded by Mr. Nicholson.*

**Roll Call:**

**Voting in favor:** *Barbaro, Nicholson, Shoultz, Swanson, Goss*

**Against:** *None*      **Abstain:** *None*      **5-0-0'**

Mrs. Adams made the board aware that the resolution for Frank McDonnell, minor subdivision, will be ready for approval at the January meeting as she had to confirm some final details with the board planner and engineer.

- **Qualifications for 2013 Planning/Zoning Board Professionals**

Board secretary read into the record the respondents to the advertisement that was placed into the South Jersey Times Newspaper for 2013 Planning/Zoning Board Professionals. The Board's subcommittee made their 2013 recommendations and the qualifications are available for the board members to review prior to reorganization meeting of January 16, 2013.

- **Old Business: None**

- **New Business:**

Stephen Ranson, Completeness hearing of Application #SD-12-07 for minor subdivision with variance for block 72, lot 3 located at 121 Buck Road.

Attorney Gary Thompson represented the applicant.

Board Planner, Leah Bruder reviewed the waivers being requested from the submission checklist as outlined in her letter of December 4, 2012 as follows:

#8 copies of applications/approvals/certification from all outside agencies with jurisdiction.  
**Condition of approval.**

#12-plan certification and monumentation as required by Map Filing Law-  
**Applicant agrees to change “planning” Board Engineer to “Municipal” Engineer.**

#19 requires proposed street names & new block/lot numbers approved by tax assessor.  
**Condition of approval.**

#33 acknowledge of the housing impact fee.  
**Acknowledged**

#49 & 50 – requires the location of existing trees and tree masses on the site with sizes and species to be shown along with a tree protection plan.  
**Agrees. Applicant agrees to retain trees around the perimeter of the site as a buffer as shown on the plan and will record by way of a conservation easement.**

#53 identify historical structures within 200 feet  
**Waiver**

# 55 plan with contours at 20 foot intervals for the entire tract within 100 feet  
**Waiver is recommended by Board Engineer as no construction is proposed at this time.**

#57 grading plan.  
**Waiver is recommended as no construction is proposed at this time.**

#58 soil erosion and sediment control plan.  
**Waiver is recommended as no construction or disturbance is proposed**

#59 location of soil borings to determine soil suitability and indication of whether topsoil will be transported and/or removed.  
**Waiver as no construction is proposed at this time.**

#66 written commitment from Elk Twp MUA  
**Waiver, Elk Twp MUA has been disbanded.**

# 67 results and locations of percolation tests  
**Waiver is recommended as no construction or disturbance is proposed.**

#75 utility plan submission  
**Waiver**

#83 provide curb opening detail  
**Waiver**

Mr. Swanson was called away from the meeting at 7:46pm.

**Mr. Nicholson moved to grant the waivers as discussed and deem the application complete.  
Seconded by Mayor Barbaro.**

**Roll Call:**

**Voting in favor: Barbaro, McCreery, Nicholson, Shoultz, Goss**

**Against: Abstain: 5 yes, 0 - 0**

- Stephen Ranson, Public hearing for minor subdivision with variance, Application #SD-12-07. for block 72, lot 3 located at 121 Buck Road..

Continuing with Mrs. Bruder’s review letter, Mr. Thompson addressed the following items:  
Aerial photo - from google map that was submitted and marked as Applicants #1. the photo showed the location of the existing home on lot 3 and the location of the neighboring Christian book store.

Sidewalk - there is none in this area. As a condition of any approval granted, the applicant agrees to include a deed notice that should sidewalk ever come into the area, they would install sidewalk on these two lots.

Buffers – ordinance section 96-47 requires a 50 foot buffer between residential and retail. Given the location of the existing store on lot 2.02, they agree to a conservation easement and no clearing of the trees except for what is shown on the plan. The applicant requests a waiver from the requirement to the extent that the 50 ft buffer exceeds the existing proposed clearing limit.

Limit of Clearing - The applicant agrees to retain a minimum of 10 feet as a buffer between the septic field and lot 2.02 and that the wooded area at the rear of the proposed lot be retained as shown on the plan.

Gloucester County PB approval – application has been submitted, but to date has not received a response.

The variance is for the existing house on lot 3. The front yard setback is 24.4 feet where 30 feet is required. This is a preexisting condition and it would be a hardship to have to move the house back to comply with the requirement. The applicant is requesting a C-1 hardship variance for the existing front yard setback. There is no property available to purchase, as that would require buying a part of the roadway.

Board Engineer, Mr. Gaskill, had no other comments.

*Mayor Barbaro made a motion to open to the public, seconded by Mr. Shoultz. With no comment from the public, Mayor Barbaro made a motion to close to the public, seconded by Mr. Shoultz. With all members in favor, the motion was carried.*

*Mayor Barbaro moved to grant the minor subdivision and front yard setback variance for preexisting nonconforming condition for lot 3 condition upon the representations made by the applicant and those found in the reports of the Board's professionals. Seconded by Mr. Nicholson.*

**Roll Call:**

**Voting in favor:** *Barbaro, McCreery, Nicholson, Shoultz, Goss*

**Against:**

**Abstain:**

**5 yes, 0 - 0**

➤ **General Public Portion**

*Mr. Carter moved to open the general public portion, Seconded by Mr. McCreery. With all members in favor, the motion was carried. With no comments from the public, Mrs. White moved to close the general public portion, seconded by Mr. Nicholson. With all members in favor, the motion was carried.*

Mrs. Adams made the board aware that the litigation with Weona Pond has been settled and the judge ruled Weona Pond is required to abide by the conditions set forth in their resolution of approval.

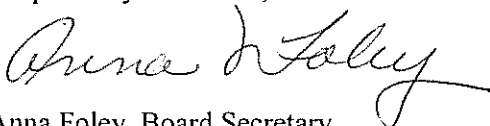
➤ **Adjournment:**

*Mr. McCreery moved to adjourn, Seconded by Mr. Nicholson.*

With all members in favor, *the motion was carried.*

Adjournment time: 8:02 pm

Respectfully submitted,



Anna Foley, Board Secretary